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Attorneys for Defendant FUECHTNER

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,	)	2:16-cr-100-GMN-CWH
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JAN ROUVEN FUECHTNER,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION AND ORDER TO CONTINUE CALENDAR CALL AND TRIAL DATE**

IT IS HEREBY STIPULATED AND AGREED by and between JESS R. MARCHESE, ESQ., and BENJAMIN DURHAM, ESQ., Counsel for Defendant JAN ROUVEN FEUCHTNER and LISA CARTIER-GIROUX and ELHAM ROOHANI, Assistant United States Attorneys, that the calendar call, and the trial currently scheduled for October 25, 2016 at 9:00a.m. be vacated and continued to a date and time convenient to the Court, but no later than thirty (30) days from October 25, 2016.

This Stipulation is entered into for the following reasons:

- 1           1. Counsel for the defendant has spoken to his in-custody client and he has no objection  
2           to the request for continuance.
- 3           2. Counsel for the defendant has spoken to counsel for the United States and they have  
4           no objection to the continuance. The United States in doing so, does not waive its  
5           pending Motion to Disqualify (Doc. #100).
- 6           3. Trial preparation in this matter has been delayed in responding to the Motion to  
7           Disqualify and the issues resulting therefrom. The Motion is still outstanding. An  
8           evidentiary hearing has recently been set for Monday, October 24, 2016 at 1:00 p.m.
- 9           4. The additional time requested by this stipulation is excludable in computing the time  
10          within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
11          United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section  
12          3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161  
13          (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
- 14          5. That a denial of this request would result in a miscarriage of justice.
- 15          6. For all the above-stated reasons, the ends of justice would best be served by a  
16          continuance of the Trial Date continued to a date and time convenient to the Court,  
17          but no later than thirty (30) days from October 25, 2016.

18          This is the fifth request for continuance filed herein.

19                   DATED: October 21, 2016

20  
21  
22                   \_\_\_\_\_  
23                   /S/  
24                   JESS R MARCHESE, ESQ.  
25                   601 S. LAS VEGAS BLVD.  
26                   LAS VEGAS, NEVADA 89101  
27                   ATTORNEY FOR THE DEFENDANT  
28

                  \_\_\_\_\_  
                  /S/  
                  LISA CARTIER-GIROUX, ESQ.  
                  ASSISTANT UNITED STATES ATTORNEY  
                  501 LAS VEGAS BOULEVARD SOUTH. #1100  
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UNITED STATES OF AMERICA,	)	2:16-cr-100-GMN-CWH
	)	
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Plaintiff,	)	
	)	
v.	)	
	)	
JAN ROUVEN FUECHTENER,	)	
	)	
Defendant.	)	
_____	)	

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the court finds:

This Stipulation is entered into for the following reasons:

- 1           1. Counsel for defendant has spoken to his in-custody client and he has no objection to  
2           the request for continuance.
- 3           2. Counsel for the defendant has spoken to counsel for the United States and they have  
4           no objection to the continuance. The United States in doing so, does not waive its  
5           pending Motion to Disqualify (Doc. #100).
- 6           3. Trial preparation in this matter has been delayed in responding to the Motion to  
7           Disqualify and the issues resulting therefrom. The Motion is still outstanding. An  
8           evidentiary hearing has recently been set for Monday, October 24, 2016 at 1:00 p.m.
- 9           4. The additional time requested by this stipulation is excludable in computing the time  
10          within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
11          United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section  
12          3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161  
13          (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
- 14          5. That a denial of this request would result in a miscarriage of justice.
- 15          6. This is the fifth request filed herein.
- 16          7. For all the above-stated reasons, the ends of justice would best be served by a  
17          continuance of the continued to a date and time convenient to the Court, but no later  
18          than thirty (30) days from October 25, 2016.

#### **CONCLUSIONS OF LAW**

24           Denial of this request for continuance would deny the parties herein the opportunity  
25           to effectively and thoroughly prepare for trial.

26           Additionally, denial of this request for continuance could result in a miscarriage of  
27           justice.

**ORDER**

IT IS HEREBY ORDERED that the calendar call be continued to the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, in courtroom \_\_\_\_\_ and the trial currently scheduled for October 24, 2016, be continued to the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, in courtroom \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**U.S. DISTRICT JUDGE**